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In re Application of	:	
MOHAMADZADEH et al.	:	DECISION ON
Application No.: 10/552,153	:	
PCT No.: PCT/US04/10832	:	PETITION
Int. Filing Date: 08 April 2004	:	
Priority Date: 09 April 2003	:	UNDER 37 CFR 1.181
Attorney's Docket No.: D6486	:	
For: DENDRITIC CELL BINDING PROTEINS AND	:	
USES THEREOF	:	

This decision is on applicant's 16 July 2009 "Petition for Withdrawal of Holding of Abandonment Under 37 CFR 1.181" to request acceptance of a copy of the sequence listing in lieu of the sequence listing originally filed in United States Patent and Trademark Office (USPTO) on 15 June 2009. No petition fee is required.

## BACKGROUND

On 13 May 2009, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicants indicating that a copy of the sequence listing in computer readable form was submitted; however, the content of the computer readable form did not comply with the requirements of 37 CFR 1.822 and/or 1.823. The notice set a time period of one month from the date of notice (or by **15 June 2009** since 13 June was a Saturday and 14 June was a Sunday) to reply or the time remaining under the Notification of Missing Requirements.

On 15 June 2009, a Notification of Abandonment was mailed to applicant indicating that applicant had failed to respond to the Notification of Defective Response within the time period set therein. On the same date, applicant filed a response to the Notification of Defective Response with a certificate of mailing indicating a mail date of 11 June 2009.

On 16 July 2009, in response to the Notification of Abandonment, applicant filed the instant petition with, *inter alia*, a copy of 15 June 2009 submission and a copy of an itemized USPTO date-stamped postcard indicating that these papers were filed on 15 June 2009.

## DISCUSSION

The original response filed on 15 June 2009 is not found in the application file.

Applicant requests withdrawal of the holding of abandonment, indicating that the response to the Notification of Defective Response was mailed on 11 June 2009 and received in the USPTO on 15 June 2009.

As stated in section 503 of the Manual of Patent Examining Procedure, a postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Applicant states that a response to the Notification of Defective Response was originally filed on 15 June 2009 and provides a copy of the USPTO date-stamped postcard receipt. The postcard identifies the name of the applicant, application number and docket number. Listed on the postcard receipt is "Sequence Listing w/ Compliance Letter + CFR". The postcard is date-stamped by the USPTO "PCT 15 JUN 2009".

A review of the USPTO date-stamped, itemized postcard receipt indicates that the reply to the Notification of Defective Response was deposited with the USPTO on 15 June 2009. Applicant has now presented a copy of the papers including a CRF originally filed on 15 June 2009 and provided a copy of the date-stamped postcard receipt. Thus, the evidence is sufficient to establish that the reply was received in the USPTO on 15 June 2009 and that the postcard receipt indicating a date of 15 June 2009 was mailed by the USPTO.

Accordingly, the Office accepts the copy of the papers and CRF as a replacement for the missing original documents with a deposit date of 15 June 2009.

The petition to withdraw the holding of abandonment is **GRANTED**. The 15 June 2009 Notification of Abandonment is hereby **VACATED**.

#### CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The 15 June 2009 Notification of Abandonment is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing.

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